



**MINUTES
CITY COUNCIL MEETING
April 5, 2011**

CALL TO ORDER

The meeting was called to order at 6:36 pm.

Present: Mayor: Tim Hultmann; Council: Tom Skjaret, Donny Chillstrom, Brian Carpenter, and Liz Olson

Staff Present: City Administrator: Terrance Post; Public Works Director: Marv Wurzer; Fire Chief: James Van Eyll; City Attorney: Jeff Carson; and City Clerk: Jeanette Moeller

Absent: None

PLEDGE OF ALLEGIANCE

CITY OF LONG LAKE UPDATE

Mayor Hultmann congratulated the Orono High School Boys Basketball team on winning the Minnesota state basketball Class 3A championship.

Mayor Hultmann also thanked the Orono Baseball Association for their financial donation to Holbrook Park for the purpose of improving the outfield and extending baselines to better accommodate baseball users.

APPROVE AGENDA & CONSENT AGENDA

Council member Olson requested that Consent Agenda Item 4D, Receive Unofficial Draft Minutes of March 8, 2011 Park Board Meeting, be removed from Consent and discussed as the last regular business item on the evening's agenda.

The Consent Agenda consisted of:

- A. Approve Minutes of March 15, 2011 City Council Work Session
- B. Approve Minutes of March 15, 2011 City Council Meeting
- C. Approve Minutes of March 22, 2011 City Council Work Session
- ~~D. Receive Unofficial Draft Minutes of March 8, 2011 Park Board Meeting~~
- E. Approve Vendor Claims and Payroll
- F. Accept Proposal for Appraisal Services from MFR Valuation in Conjunction with the Virginia Avenue Mn/DOT Reconveyance Property
- G. Authorize the City Administrator to Hire Ryan Anderson as a 2011 Seasonal Public Works Employee
- H. Accept a Donation by the Orono Youth Baseball Organization for 2011 Improvements to the Holbrook Park Ballfield Valued at \$2,600
- I. Accept the Coordinated Business Systems 60-Month Lease Proposal for the TASKalfa 250ci for the Long Lake Fire Department
- J. Motion to Ratify Recommendations by the Park Board for Appointment of Board Chairperson and Secretary

A motion was made by Chillstrom, seconded by Skjaret, to approve the Agenda and Consent Agenda as amended. Ayes: all.

OPEN CORRESPONDENCE

No one was in attendance to address the City Council during Open Correspondence.

BUSINESS ITEMS

Public Hearing: Ordinance Establishing Administrative Penalties for Liquor and Tobacco Violations

Administrator Post overviewed of the purpose of the public hearing. The ordinance proposed for the Council's consideration would amend the current City Code of Ordinances, Chapters 4 and 10, to provide for presumptive civil penalties for liquor and tobacco license violations. The current language in City Code does not address penalties specifically, but rather includes 'up to this penalty may be imposed', leaving imposition of penalties up to the subjective will of the Council without any consistency. The changes being proposed would encourage license holder responsibility, assure that all licensees are treated equally in the event a license violation or compliance check failure occurs, would be current with the practice of many other local cities who have similar regulations, and would allow the Police Department to become eligible for grant reimbursement to conduct liquor license compliance checks. Post reviewed the penalty schedules proposed in the draft ordinance for both liquor and tobacco license violations.

City Attorney Carson commented that the type of penalty schedule or grid proposed is in line with many cities in the metropolitan area. Besides the benefit of eligibility for grant funds to conduct compliance checks, by having the grid, there can be no arbitrary application of penalties. Unless the Council had a reason not to, the grid would be followed at such time license violations occur. However, in any circumstance, a license holder would have the right to present their case to the Council to object to a penalty should they wish to do so. Carson also pointed out that when license holders fail compliance checks, there is a two-pronged process – first, the individual employee is charged and the criminal case is handled through the court system. Until and unless there is a conviction of the employee, there is no violation of the license. The license only is addressed if there's been a successful prosecution.

Council members discussed the substantial impact license suspension could have on a business, as well as both the existing and proposed revocation language.

Mayor Hultmann informed the audience that once the public hearing has been opened, individuals may step up to the podium, state their name and Long Lake home or business address, and then share comments with the Council. After all individuals interested in speaking have done so, the public hearing will be closed and the Council will begin its own discussion. Mayor Hultmann opened the public hearing at 6:59 pm.

Dave Lundberg, owner of the Red Rooster Bar & Restaurant located at 1830 Wayzata Boulevard West, discussed his business' own limited history of compliance check failures and his concern about the severe detrimental impact license suspension or revocation would have on his or any other business in town, as well as the financial impact to a business' employees. He encouraged the city to spend more time reviewing what other cities are doing, and to contact the Minnesota Licensed Beverage Association who could be of assistance in sharing data regarding average penalty grids. He stated he is most concerned with the revocation language contained in the draft grid.

Lois Joseph, owner of Birch's Restaurant located at 1935 Wayzata Boulevard West, echoed Mr. Lundberg's statements and added that Long Lake is a small town that relies on businesses for its tax base, therefore it is in nobody's interest to close down, suspend or revoke licenses for businesses. If a business is doing something illegal it should be fined, should be fined again if repeating the offense, but only if they are repetitively breaking the law should more strenuous measures be considered. She stated she doesn't see suspension or revocation language having a useful purpose, and as a business owner would rather see the Council expending energy to do something about the horrible debris in areas of Long Lake and the eyesore that is the Kenny's Market property.

Hearing no additional public comment, Mayor Hultmann closed the public hearing at 7:12 pm.

Council member Skjaret noted that while the penalty grid for liquor license violations could be changed to show a different level of progressive discipline, he believes it is imperative that if the City can grant a license, it can also withhold it. In a circumstance where violations continue, the City should be able to pull that license.

Attorney Carson clarified that the language permitting revocation is already on the books both in City Code and in State law; however, the purpose of the grid system is to formalize the process and to take away the arbitrary nature of applying the penalty system already in place.

Council members discussed the purpose of having a grid in place; and language change ideas such as adding a tier in the grid for fourth violations, and imposing fees plus additional compliance checks before any suspension.

Attorney Carson indicated he would research other grid types and update the draft ordinance to incorporate the Council's feedback relative to softening the penalty schedule.

A motion was made by Chillstrom, seconded by Skjaret, to table consideration of the ordinance establishing administrative penalties for liquor and tobacco license violations. Ayes: all.

LLFD Annual Year-End Report and Presentation

Fire Chief Van Eyll made a presentation to the Council which summarized Fire Department operations during the year 2010, discussed trends in fire service calls, reviewed Fire Department staffing levels, and included goals from both personnel and equipment perspectives for the coming year. During his presentation, Van Eyll responded to Council member questions regarding the status of apparatus items, funding of upcoming equipment purchases, potential future firefighter retirements, and the status of Long Lake Firefighters Memorial fundraising efforts.

Van Eyll also noted that the annual Long Lake Firefighters Relief Association all you can eat pancake and french toast breakfast would be held at Station 1 on April 17 from 8:00 am to 1:00 pm.

2011 Lawn Maintenance Service Contract

Public Works Director Wurzer stated that the City of Long Lake has contracted out lawn maintenance services for the past 18 years. Staff previously prepared and mailed a request for proposals soliciting quotes for a list of job sites along with four options. The first three options included Nelson Lakeside Park, Holbrook Park, and Fire Station 1. The fourth option was included an attempt to get a value on lawn maintenance of the Wayzata Boulevard landscaped embankment.

After reviewing all quotes received, staff recommends the City Council award the lawn maintenance service contract to Shaughnessy Lawn Care for the base quote job sites and Options No. 1-3. Staff believes maintenance of the landscaped embankment can be completed by Public Works at a lower cost than the quote received from the service provider.

Staff will be meeting regularly with Shaughnessy Lawn Care during the season to assure their performance consistently meets expectations.

Council member Skjaret questioned who is responsible for mowing the ditches along Wayzata Boulevard between Greenhill/Glenmoor Lanes and Wolf Pointe Woods.

Wurzer clarified that mowing of the ditch area would now be the responsibility of Hennepin County instead of Mn/DOT, and he is optimistic they will provide better maintenance service.

A motion was made by Skjaret, seconded by Chillstrom, to approve a contract with Shaughnessy Lawn Care for 2011 lawn maintenance services to include the base quote (Job Sites A-H) plus Options 1, 2 and 3 from the City Request for Proposals in an amount not to exceed \$14,265.43, and to authorize its execution by the City Administrator. Ayes: all.

Approval of Well House No. 2 Rehabilitation Project Pay Applications

Post reported that quotes for the Well House No. 2 Rehabilitation Project were sought from a variety of contractors rather than a primary general contractor because of the diverse nature of the project task elements. The scope of the project was bound by estimated remaining available funding in TIF District No. 1-2. Staff has now estimated that approximately \$15,000 will be remaining in the fund after payment of current scope vendors. With these remaining funds, staff may be seeking future direction from the Council to expand the project scope for two items that were deleted from the original scope – a safety railing down the hillside and a repaving of the current asphalt surface that has been torn up because of the construction activity.

In regards to the approval of the two pay applications on the agenda this evening, SEH Project Engineer Chris Larson is recommending approval of both payment applications to Killmer Electric and Gridor Construction for electrical and process control/HVAC work performed to date. Staff recommends approval of Pay Application No. 1 to both Killmer Electric in the amount of \$46,326.75 (including 5% retainage) and Pay Application No. 1 to Gridor Construction in the amount of \$67,826.37.

Wurzer noted the system was being changed to radio control, and the switch over should take place within approximately a week.

Engineer Larson stated that the project has been proceeding quite well and there have been no change orders to date. Test pumping, installation of the pump motor, roof work, and installation of a chemical fill station at the top of the hill are complete. Electrical and HVAC work are almost complete, and painting will take place once weather conditions approve. Work is primarily complete and he anticipates startup occurring as early as in a week's time.

A motion was made by Olson, seconded by Chillstrom, to authorize partial payment application No. 1 to Killmer Electric Co., Inc. in the amount of \$46,326.75 and No. 1 to Gridor Const., Inc. in the amount of \$67,826.37 for work performed in conjunction with the Well House No. 2 Rehabilitation Project. Ayes: all.

Receive Unofficial Draft Minutes of March 8, 2011 Park Board Meeting

Council member Olson reflected she had noticed in the Park Board minutes that the Board had discussed the Orono Baseball Association's field improvement request. The OBA's letter to the City requested they be allowed to regularly reserve three days a week of field usage, and questioned how the determination of dates would be made. She thanked the OBA for their donation.

Staff clarified that date reservation has not been an issue for a number of years, as the two primary users who have reserved the park do not have conflicting schedules as far as their preferred days of the week for usage.

Regarding the Park Board's trail repair discussion, Council member Skjaret referenced the trail in Hardin Park and asked whether the intent would be to replace the current trail with an asphalt section. He also asked whether there were plans for resurfacing the tennis court.

Public Works Director Wurzer affirmed that the trail section in Hardin Park would be replaced with asphalt. He also confirmed that staff would be soliciting quotes for resurfacing of the Hardin Park tennis courts and quotes would be presented to the Park Board for review.

Council member Olson also stated she was pleased to see the Board had been discussing a potential dog park project.

OTHER BUSINESS

Solar Lighting Presentation – Mayor Hultmann had spoken with Long Lake business Touchstone Lighting, and they are interested in making a presentation to the Council on solar lighting opportunities at the Council's next meeting. As the Planning Commission has been discussing green technologies, Mayor Hultmann thought this may be a good opportunity to explore costs of using solar lighting to light the walkway along the Wayzata Boulevard landscaped berm area, and to learn more about the viability of solar lighting. Mayor Hultmann directed staff to include a presentation by Touchstone Lighting on the Council's next meeting agenda.

Further Discussion on Green Technologies – Council member Olson had spoken to someone about wind power on her property, and the individual had offered to discuss wind power with the Planning Commission as well. Administrator Post advised that the Planning Commission had formed a subcommittee to investigate various green technologies in preparation for their ordinance revision project.

Land Use Updates – Post stated that he is anticipating receiving a Land Use Application in preparation for a potential expansion of the Long Lake Assisted Living facility. He also noted that the ISS property on Daniels Street is now vacant. Post responded to Council member questions and clarified that the Long Lake Assisted Living expansion project would not require any variances. Council members also questioned whether the ISS property might be contaminated after years of vehicles being stored on the site. Mayor Hultmann noted that ISS had previously claimed that when cars came in for storage from accidents they had already lost most of their fluids. City Attorney Carson suggested staff contact the Minnesota Pollution Control Agency initially to discuss the site, and commented that Hennepin County may have an interest as well. Council member Olson also mentioned contacting the Minnehaha Creek Watershed District.

Rowing Regatta – City Clerk Moeller informed the Council that she had been contacted by an individual interested in sponsoring a rowing regatta special event on Long Lake and using Nelson Lakeside Park.

ADJOURN

Hearing no objection, Mayor Hultmann adjourned the meeting by general consent at 8:30 pm.

Respectfully submitted,

Jeanette Moeller
City Clerk